

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| UNITED STATES OF AMERICA | : | <u>FINAL ORDER OF FORFEITURE</u> |
| | : | |
| -v.- | : | 14 Cr. 741 (KMK) |
| | : | |
| SAMUEL RUBIN, | : | |
| a/k/a/ "Shaye Rubin," | : | |
| | : | |
| Defendant. | : | |
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WHEREAS, on or about May 13, 2019, this Court entered a Preliminary Order of Forfeiture as to Substitute Assets (the "Substitute Assets Order") (D.E. 642), which ordered the forfeiture to the United States of all right, title and interest of SAMUEL RUBIN (the "Defendant") in the following property:

- i. Any and all funds on deposit in account number 704742-1211 at Capital One, held in the name of 374 South 5th, LLC (the "Capital One Account");
- ii. Any and all funds on deposit in account number 1500302506 at Signature Bank, held in the name of 374 South 5th, LLC (the "Signature Bank Account");

(collectively, the "Substitute Assets");

WHEREAS, the Substitute Assets Order directed the United States to publish, for at least thirty (30) consecutive days, notice of the Substitute Assets Order, notice of the United States' intent to dispose of the Substitute Assets, and the requirement that any person asserting a legal interest in the Substitute Assets must file a petition with the Court in accordance with the requirements of Title 21, United States Code, Sections 853(n)(2) and (3). The Substitute Assets Order further stated that the United States could, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the Substitute Assets and as a substitute for published notice as to those persons so notified;

WHEREAS, the provisions of Title 21, United State Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, require publication of a notice of forfeiture and of the Government's intent to dispose of the Substitute Assets before the United States can have clear title to the Substitute Assets;

WHEREAS, the Notice of Forfeiture and the intent of the United States to dispose of the Substitute Assets was posted on an official government internet site (www.forfeiture.gov) beginning on May 16, 2019, for thirty (30) consecutive days, through June 14, 2019, pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions and proof of such publication was filed with the Clerk of the Court on July 20, 2022 (D.E. 668);

WHEREAS, on or about October 10, 2019, a notice of the Substitute Assets Order was sent by certified mail, return receipt requested, to: 374 South 5th LLC, Brooklyn, New York 11211.

WHEREAS, thirty (30) days have expired since final publication of the Notice of Forfeiture and no petitions or claims to contest the forfeiture of the Substitute Assets have been filed;

WHEREAS, the Defendant and 374 South 5th LLC, are the only persons and/or entities known by the Government to have a potential interest the Substitute Assets;

WHEREAS, on or about September 22, 2021, the Government seized \$21,002.67 from the Capital One Account (the "Capital One Seized Funds");

WHEREAS, on or about September 22, 2021, the Government seized \$50,087.60 from the Signature Bank Account (collectively, with the Capital One Seized Funds, the “Seized Funds”); and

WHEREAS, pursuant to Title 21, United States Code, Section 853(n)(7), the United States shall have clear title to any forfeited property if no petitions for a hearing to contest the forfeiture have been filed within thirty (30) days of final publication of notice of forfeiture as set forth in Title 21, United States Code, Section 853(n)(2);

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

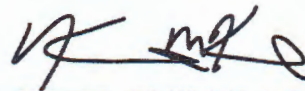
1. All right, title and interest in the Seized Funds is hereby forfeited and vested in the United States of America, and shall be disposed of according to law.

2. Pursuant to Title 21, United States Code, Section 853(n)(7) the United States of America shall and is hereby deemed to have clear title to the Seized Funds.

3. The United States Marshals Service (or its designee) shall take possession of the Seized Funds and dispose of the same according to law, in accordance with Title 21, United States Code, Section 853(h).

Dated: New York, New York
July 20, 2022

SO ORDERED:



HONORABLE KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE